



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** February 24, 2005

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**COUNCIL DISTRICT:** 6

**SUBJECT: PDC04-028. PLANNED DEVELOPMENT REZONING FROM R-1-8 RESIDENTIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 9 SINGLE-FAMILY DETACHED RESIDENCES ON A 1.17 GROSS ACRE SITE LOCATED ON THE SOUTH SIDE OF MALONE ROAD APPROXIMATELY 240 FEET NORTHEASTERLY OF JOHNSTON AVENUE.**

## RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioner Zito opposed, Commissioner Platten absent) to recommend that the City Council approve the proposed rezoning, with the revised General Development Standards proposed by Planning staff.

## BACKGROUND

On February 23, 2005, the Planning Commission held a public hearing to consider a Planned Development rezoning from R-1-8 Residence to A(PD) Planned Development to allow up to 9 single-family detached residences on a 1.17 gross acre site.

### *Staff Presentation*

Staff explained that the applicant had submitted a revised plan set earlier that day, which was distributed to the Commission just prior to the meeting. The revised plan set proposed a 40-foot minimum riparian setback and included the Heritage Trees within the boundaries of the commonly-owned parcel to be maintained by the Homeowner's Association. The conceptual site plan indicated two attached units.

Staff indicated that based on a review of the revised plan set, staff proposed a few modifications to the General Development Standards. These modifications included a reduction in the minimum lot size to 2,300 square feet, a requirement that guest parking spaces be included in the commonly-owned parcel to be maintained by the Homeowner's Association, a clarification of the front porch setback, and modification of the fence standards including a requirement for open fencing between the Heritage Trees and the adjacent residence.

Staff stated that the revised site plan did not appear to conform to the Draft Development Standards in terms of building setbacks; that guest parking is proposed in the area of an individual residential lot designated as private open space; and that most of the private open space for one house is part of a Santa Clara Valley Water District access easement. Staff specified that they would work with the applicant at the Planned Development Permit stage to ensure conformance with the approved Development Standards, but that staff believed that this would likely require some reduction in unit size, including additional attached units or a reduction in the total number of units.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning with the Development Standards as revised by staff.

*Public Comments*

Chris Neale of CORE Development spoke for the applicant. He stated that the site was extremely constrained by both the presence of the Heritage Trees and the Riparian Corridor. He indicated that the goal of this project was to create detached single-family homes that fit into the Willow Glen area. He stated that attaching the homes would change the feel of the project. He indicated that the current proposal has expanded the Riparian Corridor by 10 feet (to 40 feet) compared to their last proposal. He commented that in prior developments, guest parking had been located on private lots and private open space had been located on adjacent properties through the use of easements. Chris Neale commented that he felt the 20-foot property line setback from the Heritage Trees was arbitrary and the applicant's project arborist recommended a distance equal to three times the diameter of the tree trunk, which would be approximately 15 feet. With regard to the revised Development Standards, he stated that he opposed the removal of the provision that allows porches to encroach 5 feet into the front setback, and the requirement that guest parking be included in the commonly-owned parcel.

Hugh Graham spoke on behalf of the Willow Glen Neighborhood Association. He stated that the Association was initially concerned with the initially proposed 30-foot riparian corridor setback, but with the setback expanded to 40 feet, the Association supported the proposed project.

Commissioner James questioned Chris Neale about whether the applicant supported the 40-foot riparian setback and Chris Neale stated that the project could accommodate it.

Commissioner Levy expressed concern about whether the 5-foot building setback from the edge of the riparian corridor setback was being accommodated. Chris Neale stated that the current proposal did not meet his requirement. Commissioner Levy noted that driveways and sidewalks could be reduced in width or removed in order to provide more room for the riparian corridor. Chris Neale stated that the driveway was required to provide turnaround for fire vehicles and the sidewalks were created to provide pedestrian access throughout the project.

Commissioner Zito questioned whether the applicant had explored reducing the project by one unit which might also allow for the expanded riparian setback. Chris Neale stated that the reduction of one unit would no longer make the project feasible.

The Planning Commission then closed the public hearing.

*Planning Commission Discussion*

Commissioner Zito asked staff whether any more trees would be saved in the applicant's revised proposal. Staff responded that no additional trees were proposed to be saved.

Commissioner James stated that he believed the proposal was a good compromise that allowed the developer to be able to adequately develop the property while preserving its environmental features. He proposed a motion to recommend approval of the zoning with the revised General Development standards recommended by staff.

Commissioner Zito expressed concern that too many houses were being squeezed into too little space and noted that the proposal only provided a 40-foot riparian corridor setback, rather than the standard 100-foot setback. He proposed a friendly amendment to reduce the maximum number of units allowed in the zoning from nine (9) to eight (8), which he indicated could fit onto the lot while providing a greater riparian setback. Commissioner James declined this amendment. Commissioner Zito stated that he could not support the nine-unit project, that too many units were being squeezed onto a small site with building setbacks as small as three and five feet. Commissioner Levy stated that he believed that the current proposal showed good balance for development of a very constrained site..

**PUBLIC OUTREACH**

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. A community meeting was held for this project at the Galarza Elementary School on January 5, 2005. Community members generally indicated support for the proposal, but expressed concern that the project would exacerbate the existing parking shortage in the area and concern that the proposal does not conform to the Riparian Corridor Policy. Notices of the community meeting, the Mitigated Negative Declaration and the public hearings were mailed to all property owners and tenants within 500 feet of the subject site.

**COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Santa Clara Valley Water District and the City Attorney.

**CEQA**

Negative Declaration adopted February 23, 2005.



STEPHEN M. HAASE  
Secretary, Planning Commission

